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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,239	01/14/2002	Eugene Murphy O'Donnell	PU 020018	5554

7590 01/25/2006

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EXAMINER
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DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,239

Applicant(s)

O'DONNELL ET AL.

Examiner

Jean W. Désir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/19/05, RCE with Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Description of Related Art in the Background of the Invention in view of Jaffe et al (US 6,198,211 B1).

#### **Claim 1:**

the claimed "at least one imager comprising an array of pixels individually controllable in accordance with a video signal to form an image by passing red, green and blue light through said pixels" is disclosed, see Description of Related Art page 1 lines 13-18, 21-29, page 2 lines 5-11;

the claimed "and a projector lens optically coupled to said imager for magnifying and focusing said image for projection on a screen" is disclosed, see Description of Related Art page 1 lines 24-27;

the claimed "at least one red, at least one green and at least one blue resonant cavity cathode ray tube optically coupled to said imager and emitting, respectively, said red, said green and said blue light, to produce said image" is not explicitly disclosed in the Description of Related Art. The claimed invention is directed to light source coupled

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to the imager to produce image which is also disclosed by the Background of the Invention (see page 1 lines 21-29, see also page 2 lines 5-11); except the Background of the Invention does not teach resonant cavity cathode ray tube as claimed; However, resonant cavity cathode ray tubes that emit red, green, and blue light are notoriously well known devices in the art (as evidence see Jaffe at Fig. 12, col. 15 lines 27-39, col. 20 lines 29-34, col. 20 lines 62-67) used to provide light source that would produce high brightness levels and that is highly directional. Thus, an artisan would be motivated to combine the references to arrive at the claimed invention; this combination would advantageously provide high brightness levels and highly directional light sources. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 3 is disclosed, see Jaffe at Fig. 12, and Background of the Invention at page 2 lines 5-11.

Claim 5 is also disclosed in view of the above combination, because Applicants admit that "optical combiner" is conventional see specification page 8 lines 7-9.

**Claim 9** is rejected for the same reasons as claim 1, because the Background of the Invention teaches **LCOS** imagers, see page 1 lines 17-29.

Claim 10 is rejected for the same reasons as claim 5.

### ***Oath/Declaration***

3. The oath or declaration is missing.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but are moot in view of new interpretation of the references necessitated by the amendment.

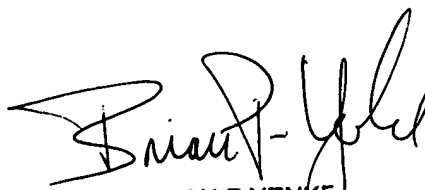
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272 7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**Jan. 13, 06**

  
**BRIAN P. YENKE**  
**PRIMARY EXAMINER**